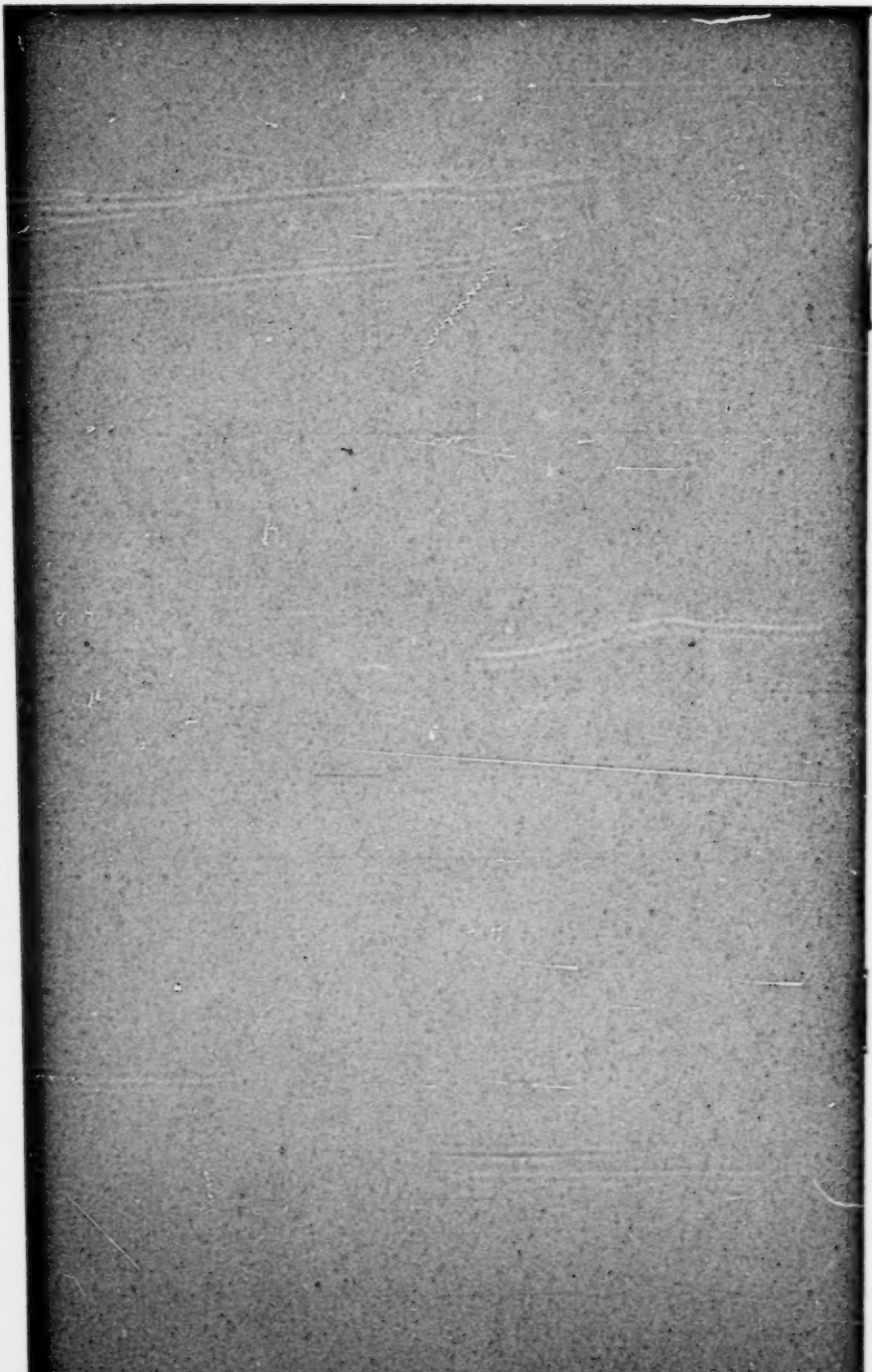


MICHAEL RODAK, JR., CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

73-1454 TERM, 1974

HAYDEN THOMPSON; HERBERT MESCHKE; LARRY ERICKSON; RICHARD BACKES; GARY WILLIAMSON and MARK PURDY,
Petitioners,

vs.

UNITED STATES OF AMERICA,
Respondent.

SUPPLEMENTARY BRIEF OF PETITIONERS TO PETITION FOR WRIT OF CERTIORARI TO THE EIGHTH CIRCUIT COURT OF APPEALS

KERMIT EDWARD BYE
VOGEL, VOGEL, BRANTNER & KELLY
609½ First Avenue North
P. O. Box 1389
Fargo, North Dakota 58102
Telephone: 701-237-6983
Counsel for Petitioners

St. Louis Law Printing Co. Inc., 812 Olive Street 63101 314-231-4477

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ERRATUM

The following corrections and additions are made to the Petition for Writ of Certiorari which was docketed in the United States Supreme Court on March 29, 1974, as No. 73-1454:

1. On page 13 of the Petition, the following paragraph should be set forth before the concluding paragraph:

> "In Fourth Amendment suppression hearings, *in camera* evidentiary review has been very narrowly limited and dis-

closure of the records of unconstitutional surveillance required. Alderman v. United States, 394 U.S. 165 (1969), which observes at page 182:

"But winnowing this material from those items which might have made a substantial contribution to the case against a petitioner is a task which should not be entrusted wholly to the court in the first instance . . . Unavoidably, this is a matter of judgment, but in our view the task is too complex, and the margin for error too great, to rely wholly on the *in camera* judgment of the trial court to identify those records which might have contributed to the Government's case."

2. On page 19 of the Petition the word "inquiry" should be inserted between the words "use" and "should".

3. On page 19 of the Petition the following paragraph should be set forth at the bottom of page 19:

"Recent decisions in the lower Courts suggest conflicting results. See United States v. Catalano, 491 F.2d 268 (2nd Cir. 1974); United States v. Dornau, 491 F.2d 473 (2nd Cir. 1974); United States v. Thanasouras, 368 F.Supp. 534 (No. Dist. Ill. 1973); United States v. General American Transportation Corp., 367 F.Supp. 1284 (USDC 1973); United States v. Filiberti, 366 F.Supp. 1062 (USDC 1973); United States v. Ehrlichman (Criminal No. 74-116, USDC, Dist. of Col. 5/24/74) Review in this case would be appropriate also to establish guidelines for the lower Courts in applying use immunity."

4. In the appendix, pages A-31 to A-39 is set forth the State Grand Jury Indictment issued by Ward County, North Dakota, Grand Jury against First Western State Bank of Minot. In addition, the Appendix should include the Ward County, North Dakota, State Grand Jury Indictment against Hayden Thompson, Herbert Meschke, Larry Erickson, Richard Backes,

Gary Williamson and Mark Purdy which is as follows: (See attached one page Indictment against the individual defendants)

Respectfully submitted

KERMIT EDWARD BYE
VOGEL, VOGEL, BRANTNER & KELLY
609½ First Avenue North
Post Office Box 1489
Fargo, North Dakota 58102
Telephone: 701-237-6983
Counsel for Petitioners

Of Counsel

BAIR and BROWN
210 1st Avenue Northwest
Post Office Box 100
Mandan, North Dakota 58554

LANIER, KNOX & OLSON
334 Gate City Building
Post Office Box 1007
Fargo, North Dakota 58102

McGEE, HANKLA, BACKES & WHEELER, Ltd.
Gate City Building
Post Office Box 998
Minot, North Dakota 58701

BJELLA & JESTRAB
111 East Broadway
Drawer 1526
Williston, North Dakota 58801

McINTEE & WHISENAND
113 East Broadway
Post Office Box 1307
Williston, North Dakota 58801